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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,564	05/16/2001	Thomas Christopher Dyer	694231/0017	4098

7590 11/26/2003

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,564

Applicant(s)

DYER, THOMAS CHRISTOPHER

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "said information stream" in line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-15, 17-24, 26-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Menard et al., US 6,061,056.

In considering claims 1 and 9,

a) the claimed a buffer configured to communicate with a decoder and with an information display system is met by database 18 (Fig 2) and mass storage device 20 (Fig 1) which communicate which communicate to cc capture 10 via internal bus 13 (Fig

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1), which the information display system is met by individual workstations 8 and multimedia display 3 (Fig 1). Menard also discloses in Fig 8-10, hard drive 32 which (buffer) which receives caption data from CC decoder 42 (Fig 8).

b) the claimed said buffer capable of receiving at least a portion of the text information from said decoder is met where the mass storage device 20 stores the incoming data streams or portions of them (col 5, line 51-55).

c) the claimed said buffer being capable of transmitting said at received text information portion to said information display system in response to an information release signal contained in text information is met where mass storage 20 of monitoring system 1 where based upon the customized search profile of the user, the system monitors the incoming closed caption text stream and alerts the user when a user query is matched, whether it be particular words, phrases. The alert to the user can be a multiple of actions including, sounding a beep, activating a remote beeper, opening a video window, sending electronic mail—essentially any action the computer can be programmed to perform (col 5, line 56-67)

In considering claim 2,

The claimed further comprising a display configured to simultaneously present said text information portion and said corresponding video information is met where the viewer/user is able to view both the video signal 70 and the corresponding closed captioned data 72 simultaneously on the multimedia display monitor (Fig 12).

In considering claims 3, 13, 21, 28 and 32

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The claimed wherein said buffer is further configured to transmit said text information portion to said information display system as a text script command is met where the closed captioned text is decoded, thus being a text script.

In considering claims 4, 14, 15 and 22

The claimed wherein said information display system comprises an audio-visual media player is met by multimedia display 3 (Fig 1), which consists of a personal computer.

In considering claims 5, 11, 18, 23, 30 and 37

The claimed wherein said video information comprises at least a portion of a video broadcast is met where the video information includes broadcast television signals (col 3, line 29-49).

In considering claims 6, 12, 19, 24, 31 and 38

The claimed wherein said information stream comprises closed caption information is met where the received information includes video, audio and closed-captioned data (Fig 1).

In considering claims 8, 17, 26 and 36

The claimed wherein said display is a video monitor is met by multimedia display 3 and workstations 8 (Fig 1).

In considering claim 10,

The claimed further comprising a display configured... is met where the viewer/user is able to view both the video signal 70 and the corresponding closed captioned data 72 simultaneously on the multimedia display monitor (Fig 12).

In considering claim 15,

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The claimed wherein said audio-visual media player comprises an audio-visual media player is met where multimedia display 3 is a personal computer with access to a VCR.

In considering claims 20 and 27,

a) the claimed an information source...is met by monitoring system 1 which receives broadcast television, audio and closed captioning signals via tuner 2 (Fig 1).

b) the claimed a buffer...is met by mass storage 20 of monitoring system 1 where based upon the customized search profile of the user, the system monitors the incoming closed caption text stream and alerts the user when a user query is matched, whether it be particular words or phrases. The alert to the user can be a multiple of actions including, sounding a beep, activating a remote beeper, opening a video window, sending electronic mail—essentially any action the computer can be programmed to perform (col 5, line 56-67)

c) the claimed an information delivery system...is met where monitoring system 1 may communicate with multimedia display 3 via bi-directional link 6 and to network computers 8 via network 7.

In considering claim 33,

The claimed wherein said information storage device is transferred to said information display system by an audio-visual media player is met where the storage can be a VCR (Fig 1).

In considering claim 34,

The claimed wherein said audio-visual media player comprises an audio-visual media player is met where multimedia display 3 is a personal computer with access to a VCR.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 16, 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al., US 6,061,056.

Menard does not explicitly recite the information release signal comprising a line feed character.

Menard discloses a system where based upon the identification of particular words or phrases, and based upon the user setting is able to set the display to record the video, audio and closed captioned text from 30 seconds before to 5 minutes after the appearance of a keyword/phrase in the closed caption stream (col 5, line 7-19).

The examiner relies on the applicant's own disclosure which states that closed captioned text typically includes an ASCII line feed character which indicates the end of a line, sentence or paragraph (page 7, line 18-19).

Thus although Menard does not explicitly recite the structure/details of closed captioned text, the use of a line feed character is included as stated by applicant.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize in Menard, which discloses a retrieval/monitoring system which provides the user the closed captioned data based on the users search settings

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(keywords/phrases) where the information provided to the user can be information before and after the identification of the word/phrase based upon the user's setting, by utilizing the line feed character which is included in the closed captioned text, to provide the user the complete line, sentence, paragraph of the information retrieved for the user, thereby providing the user a portion of the retrieved closed captioning text which is readable by the user.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

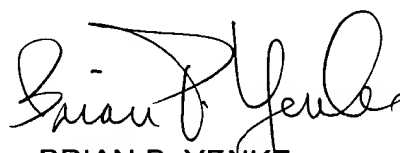
Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.



BRIAN P. YENKE
Patent Examiner
Art Unit 2614



B.P.Y
November 24, 2003